

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 CLYDE DAVID CARTER,

12 Plaintiff,

13 v.

14 B. COX,

15 Defendant.
16

No. 2:20-CV-1322-KJM-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42
18 U.S.C. § 1983. Defendant has filed a motion to dismiss, ECF No. 31, based on Plaintiff's failure
19 to notify the Court of a change of address as required under the Local Rules. According to
20 Defendant, various status reports filed with the Court and served on Plaintiff at his address of
21 record have been returned undeliverable. By way of this order served on Plaintiff, the Court will
22 ascertain on the record whether mail is being delivered and warn Plaintiff that failure to file an
23 opposition to Defendant's motion may be construed in the Court's discretion as consent to the
24 relief requested which, in this case, is dismissal of the entire action. See Local Rule 230(c), (l).

25 IT IS SO ORDERED.

26 Dated: January 27, 2023

27 
28

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE